

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH'S AIR SERVICE, INC.,
Plaintiff,

v.

SUSQUEHANNA AREA REGIONAL
AIRPORT AUTHORITY, BAA
HARRISBURG, INC., DAVID FLEET,
individually, DAVID HOLDSWORTH,
individually, and DAVID C. McINTOSH,
individually,
Defendants.

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: CASE NO. 1:00-CV-0660
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: Chief Judge Yvette Kane
: Magistrate Judge Smyser
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**DEFENDANTS' MOTION FOR LEAVE TO FILE
BRIEF IN EXCESS OF FIFTEEN (15) PAGES**

Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh, (collectively "Defendants"), by and through their attorneys, Rhoads & Sinon LLP, file the within Motion for Leave to File Brief in Excess of Fifteen (15) Pages, pursuant to Local Rule 7.8 (b), as follows:

1. Plaintiff filed a Complaint in this Action on April 14, 2000.

2. From September 11, 2002 through August 31, 2005, the matter was stayed due to Plaintiff filing for bankruptcy.

3. On October 20, 2005, the matter was again stayed by the Honorable Yvette Kane pending disposition of Defendants' pending Motion to Dismiss.

4. Following disposition of Defendants' Motion to Dismiss, Plaintiff filed a Second Amended Complaint on November 1, 2006.

5. Plaintiffs' Second Amended Complaint contains 149 separate Paragraphs, and states causes of action against 5 different Defendants, including 1 municipal authority, 1 corporate entity and 3 individuals.

6. Fact discovery in this matter has been voluminous with the parties exchanging well in excess of 10,000 documents and deposing 10 witnesses.

7. On April 2, 2007, the Court placed the matter on the complex case management track.

8. Defendants intend to file a Motion for Summary Judgment and a Brief in Support of Motion for Summary Judgment before this Court on or before July 9, 2007.

9. Defendants will move for summary judgment of all Counts against all Defendants.

10. Because there are municipal, corporate and individual defendants in this matter, and because this is a complex matter involving extensive fact-

discovery and complex legal issues, Defendants' Motion for Summary Judgment will contain numerous arguments.

11. Local Rule 7.8 (b) provides that briefs on pretrial motions are limited to fifteen (15) pages unless the judge in the particular case specifically authorizes an extension of this limit.

12. Given the complex factual history of this case and the number of legal arguments raised by the Counts in Plaintiff's Complaint, Defendants cannot adequately brief their Motion for Summary Judgment in fifteen (15) pages.

13. Defendants will be prejudiced if they are unable to assert arguments in their Brief because of the page limitation.

14. Defendants' anticipate that they can adequately brief the relevant issues in support briefs that are not in excess of fifty (50) pages and/or ten thousand (10,000) words.

WHEREFORE, Defendants, Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh respectfully request that this Honorable Court grant the within Motion and grant the Defendants leave to file a Brief in Support of Motion for Summary Judgment not to exceed fifty (50) pages and/or ten thousand (10,000) words.

Respectfully submitted,

RHOADS & SINON LLP

By: /s/ Heather Z. Kelly
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Attorneys for Defendants

CERTIFICATE OF CONCURRENCE/NONCONCURRENCE

I, Heather Z. Kelly, Esquire, attorney for the Defendants, hereby state that I sought concurrence in Defendants' Motion for Leave to File Brief in Excess of 15 Pages from Jordan Cunningham, Esquire, counsel of record to the Plaintiff, Stambaugh Air Service, Inc. and Plaintiff does concur in the filing in the aforementioned Motion for Leave to File.

/s/Heather Z. Kelly

Heather Z. Kelly, Esquire

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2007, a true and correct copy of the foregoing document was served by electronic means upon the following:

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/s/ Heather Z. Kelly

Heather Z. Kelly